

Rules of professional ethics for the members of the General Prosecution in Palestine

General instructions regarding the rules of ethics

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The general prosecution is the state's representative and agent for the general case and the legitimate superintendent for the duties and actions of the state in the criminal field, as stated in the Palestinian Criminal Procedures law (3-2001). This law gives the general prosecution the authority to charge. In this process it has the main authority, and right, to carry on the primary investigation and to supervise the execution of criminal judgments. As well, the general prosecution is the responsible party for the supervision of prisons.

The law gives the general prosecution members the characteristics of judicial officers, going even beyond that by giving the general prosecution the authority of making judgments and, in some cases withdrawing charges, and/or taking the decision not to charge for lack of evidence, or other reasons, through case evaluations. This singular decision in this matter is considered as the judgment of innocence that would be declared by a responsible court. However, this decision can be attacked before the responsible court

The general prosecution is involved in criminal procedures as the public authority having the responsibility for bringing charges. However, its duty in this is controlled by considerations of the public interest, not as an adversary to the accused or an adversary who has some special interest, its aim is not merely to convict but to seek justice and the achievement of the defense of society.

The main goal of investigations made by the general prosecution is to seek truth. In this process it must be sure to charge only those offenses that have a strong foundation in reality and law, thereby allowing us to meet both our public and personal interests.

The general prosecution practices its authority through its member "prosecutors" who must perform their important duties through principles that lead to sustaining their respect for the basics of equity in front of the law, the presumption of innocence, and the right of a public trial in front of an independent and honest court. These prosecution practices must contribute in the establishment of a fair criminal justice process that most effectively protects the people from criminal activity.

When prosecutors perform their duties they deal with many relationships, such as those with their superiors, their colleagues, subordinates, judicial officials, the accused and their attorneys, victims, witnesses, civil claimants and others. To clarify these relationships it is necessary to obey the following written instructions, which establish their principles of conduct, and which require a commitment to them, while performing their duties.

Duties of the Prosecutors; Acts that are Prohibited

Section (1)

The Duties of Prosecutors

1. *As a significant part of the process of forwarding justice prosecutors should always maintain the dignity and honor of their profession.*
2. When first appointed each prosecutor should submit a financial report clarifying his personal property according to the law of judicial authority (article 28 second paragraph). As well, the prosecutor should submit a new report immediately in the event of any change in his personal financial position. This report must clarify those changes. Further, the prosecutor must submit a financial report any time upon the attorney generals request.
3. Prosecutors are the public's representatives and in accordance with the law they are responsible for the supervision of law enforcement officials. They represent the general prosecution in front of all courts, so they must maintain a good appearance which suits their glorious duty.
4. Prosecutors must be impartial in all action taken by them while practicing their duty in representing the public interest, and in protecting legitimacy and the confirmation of the sovereignty of law.
5. Prosecutors must make all needed effort for the cases they investigate. They must respect the freedom of people in any action taken by them, and they must be careful to correctly apply the law for their actions; and to be sure that the action they take must be suitable for establishing the truth using the evidence available for the maintenance of the great duty they are honored to carry out.
6. The prosecutors should perform their duties with impartiality, in accordance to the law, in coordination with all responsible parties, as quickly as possible. They must respect and protect human dignity and human rights, which will contribute to the safety of the procedures that they perform as well as their duties in the social justice system.
7. While performing their duties the prosecutors have to be impartial and must avoid any kind of discrimination for any reason, such as those that socially motivated, political, religious, cultural or racial - or any other kind of discrimination.
8. Prosecutors should make a complete separation between their personal interest and public interest and they should avoid being involved in conflicts of interest. Any conflict of interest will have a dangerous effect on their objectives and will affect the people's attitude on the processes of general prosecution.

9. The prosecutors must inform the attorney general at once when they face a problem with a conflict of interest, whether real or potential, so the Attorney General can make the suitable decision with relationship to that conflict.
10. The prosecutors should respect their duties and must be punctual to set a good example for their subordinates.
11. Prosecutors should not leave their work without previous permission from their superiors and those supervisors must inform the Attorney General of their observations concerning this matter.
12. When the prosecutors are off duty and they have to leave their residences they should leave notice where they will be in order to make it easy to contact them in case of emergency.
13. Prosecutors must be committed to their own good conduct and must keep themselves away from potentially compromising situations or disputes and to maintain the dignity of their profession. In order to maintain the good reputation of judicial officials and to gain the public trust they must not use their profession as a means to suppress people.
14. Prosecutors should have self-respect, strong personalities and should maintain a good appearance and good manners in order to obtain their adversaries, and the whole community's, respect and trust - and to strengthen the trust in those procedures which prosecutors initiate.
15. The prosecutor should not be affected by any external element when handling a case and he or she should not be affected by media coverage of any case.
16. Prosecutors should maintain calm and not surrender to anger. They must be patient while carrying out their prosecution duties.
17. Prosecutors should observe strict and ethical limitations in their relations with others in order to maintain the public's trust in their objectivity.
18. Prosecutors should maintain good relations with their colleagues and their relation with their superiors should be based on mutual respect. They must follow their superior's instructions and to ask them for advice, when needed, to get the benefit of their experience in solving problems they face at work. Senior prosecutors should deal with their juniors in a manner, which makes their juniors gain their respect. They must cooperate together to perform their important duties for the sake of justice. In cases of the delegation of a prosecutor to work in another area he should completely perform all needed duties during the period of delegation.

19. The prosecutor should have a relationship of trust and respect with superiors at the Attorney General's office. The prosecutor should always say what he or she deems the just thing without any regard to any other factors.

20. The spirit of understanding and mutual respect should govern the performance of the general prosecution while dealing with all members of the office. Prosecutors should deal with firmness when needed for the supervision of work, and for its efficiency.

21. Prosecutors should always seek the truth and they must take those necessary measures to reveal it even if this leads to not charging the accused. It is the duty of the prosecutor to seek justice not merely to convict.

22. The prosecutor should preserve the dignity and humanity of the accused. Therefore the prosecutor is not allowed to pursue methods that violate the dignity of the defendant and cannot use any kind of force to obtain the confession of an accused.

23. Prosecutors should not threaten the accused and they are not allowed to promise the accused anything, such as sentence reduction, in order to get his confession.

24. The prosecutor should respect the rights of victims and protect them from any threats or harm that a defendant may do them. Prosecutors must inform victims about the investigation stage and instruct victims, when needed, to go to those other agencies that might give them special assistance.

25. The prosecutor should respect witnesses and should avoid showing disbelief in what he or she is saying nor should any prosecutor say or imply anything that would make any witness afraid to give his/her testimony.

26. The prosecutor has the power to hear any witness he or she deems necessary to hear. The prosecutor should respect the witnesses and should avoid intimidation, declaration or pressure that might induce them not tell the truth and harm justice. The prosecutor should make the effort needed to protect witnesses and their families during all investigation and trial stages.

27.The prosecutors must support the authority and the respect of the judiciary through their commitment to the principles of ethical conduct during trial and by showing the respect needed toward judges, lawyers, witnesses and others.

28.The prosecutors must behave with high proficiency and must always be prepared and well organized during trial.

29.The prosecutors must respect the legitimate right of an accused to a defense that is granted by the constitution and law. The relations between a prosecutor and defense attorney must be based on their mutual respect.

30.The prosecutor should enable the defense attorneys to carry out their duties and to answer all requests that are made according to law within those limits that do not affect investigation or cause delay.

31 .The relation between a prosecutor and different experts has to be based on cooperation and mutual respect.

32.The prosecutors have to supervise the duties of law enforcement officials and to direct them with courtesy - and to appreciate their efforts. Relations with them must be based on respect and good understanding - without developing any special relationship with them that could affect the investigation process or that may make affect the prosecutor to that degree in the offense that is being investigated which could cause harm to the justice system or convict an innocent.

33.The prosecutors must deal with all agencies and associations involved in the criminal justice system in an effective way, with a positive attitude. Prosecutors have to be punctual and have to respect hearing dates and time constraints of the law and the courts.

34.Prosecutors must deal with the public in a professional way, with respect, and by showing the interest needed in what the public demands. Prosecutors must also be sure that the other staff in the office are dealing with lawyers, adversaries, witnesses and the general public in an appropriate manner, reflecting the important role which general prosecution has in public service and in protecting society.

35.Prosecutors should direct people to those appropriate areas that can help them in those needs, which do not relate to general prosecution duties.

36.Every prosecutor should inform the Attorney General immediately if he becomes aware of any prosecutor who has violated the code of ethical conduct and/or if that prosecutor performs any act that can affect the reputation of the general prosecution and its role in society.

37.Prosecutors should study foreign languages to upgrade their legal education. They should contact international judicial agencies to cooperate in mutual interests, and which may give them the chance to work with those international and foreign agencies.

38. Prosecutors should work for the development of law when gaps in laws appear. They have to bridge these gaps - and they have a big role in reforming the laws through their participation in legislative efforts in these matters.

Section 2

Duties and Acts Prosecutors are Prohibited From Engaging In:

39. Prosecutors are not allowed to declare their professional title with ostentation, inordinate pride or to threaten others. They are directed not to put themselves in situations that could negatively affect the honorable duty they are carrying out. A declaration of professional title should only be made in those situations needed to perform professional tasks and in those areas that contribute to the public respect of the judiciary.

40. Prosecutors are not allowed to reveal the secrets of cases they are investigating and they should not allow any individual not involved, by law, to examine their case files, except for those persons who are allowed to do so by that law or special instructions.

41. The prosecutors are not allowed to interfere in any cases or investigations being worked on by their colleagues for the benefit of any other party or adversary.

42. Prosecutors are not allowed, without the AG's permission, to work as arbitrators, even without salary and even if the dispute is not submitted to the judiciary. However, they can do so, without permission, if one party of the adversaries is one of their relatives up to the fourth stage.

43. Prosecutors are not allowed to erase, obliterate or change any decision made by them unless they prove there is a reason to change their mind.

44. Prosecutors are not allowed to accept any present or gifts from witnesses or any person involved in any case that they are investigating or who is present, in front of the general prosecution, for any reason.

45. Prosecutors are not allowed to talk in an audible voice about issues concerning their work in public places or public transportation.

46. Prosecutors are not allowed to openly declare their political points of view and they are not allowed to participate in political parties or to attend their meetings.

47. Without written consent from the Attorney General prosecutors are not allowed to make frequent visits to foreign centers and agencies and they are not to give lectures at those places without the mentioned consent and after presenting the proposed lecture to the A.G for examination.

48. Prosecutors are prohibited from interfering in collecting subscriptions for any project, or operating as chiefs or members of these committees collecting money for benevolent or general purposes, and they must keep away from any work that might affect the integrity of their duty.

49. Prosecutors are not allowed to work in politics and they are not allowed to be nominated to the legislative council or private agencies or organizations involved in the political process or political parties except after they resign from the Attorney General's office.

50. Prosecutors are not allowed, except in emergency situations, to be absent from work except by written consent by the attorney general. If any prosecutor violates this instruction he will be subjected to the consequences off the law of judicial authority 1 / 2002.

51 .Prosecutors are not allowed, except by written consent given by the attorney general, to participate in radio or TV programs or to give any speech to the press concerning their work. This is necessary to maintain the honorable image of judicial officials and to prevent any possibility of error that might cause harm to that image.

52. Prosecutors should not address and contact local and foreign agencies and ministries without respecting the official hierarchy of the general prosecution.

53. When participating in local clubs a prosecutor is not allowed to be director of that club or one of its administrative members.

54. All requests to the attorney general should be written and submitted to his office. Prosecutors are not allowed to come to the Attorney General's office except for an important reason which relates to their judicial duty and then only after informing their direct superior.

55. Prosecutors are not allowed to receive any cases and/or to pursue or investigate cases assigned to other colleagues except in accordance with the approved schedule or according to the Attorney General's request.

56. Prosecutors are not allowed to participate in any commercial work or any work that might affect the independence and dignity of the general prosecution.

57. Prosecutors are prohibited from doing extra work outside the Attorney General's office, with or without salary, except by consent from the Attorney General and in a manner that does not affect the independence of the prosecution.

58. Prosecutors are not allowed to leave their work places without getting permission for an urgent or regular or external vacation or sick leave in accordance to law and the instructions declared by the attorney general, Direct supervisors are required to be sure that those instructions are being respected and that supervisor has to report any violation of these instructions.

59. The Attorney General or his assistant should verbally warn any prosecutor for violations of any of their duties and the requirement of their jobs, and if these violations continue the violator shall be subjected to the procedures and sanctions stated in the code of judicial authority.